

1 Peter R. Afrasiabi (Bar No. 193336)
pafrasiabi@onellp.com

2 **ONE LLP**

23 Corporate Plaza, Suite 150-105

3 Newport Beach, CA 92660

Telephone: (949) 502-2870

4 Facsimile: (949) 258-5081

5 *Attorney for Plaintiff,*

Paul Velgos, d/b/a Paul Velgos Photography

7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 PAUL VELGOS, D/B/A PAUL
10 VELGOS PHOTOGRAPHY,

11 Plaintiff,

12 v.

13 RESPONSIBLE BRANDS, LLC, a
14 Limited Liability Company; and DOES
1-10, inclusive,

15 Defendants.

Case No. 8:25-cv-00029

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT (17 U.S.C. § 501)**

DEMAND FOR JURY TRIAL

1 Paul Velgos, d/b/a Paul Velgos Photography (“Plaintiff” or “Velgos”), by and
2 through its attorneys of record, complains against Responsible Brands, LLC
3 (“Defendant” or “Responsible Brands”), and DOES 1-10, inclusive, as follows:

4 **JURISDICTION AND VENUE**

5 1. This is a civil action against Defendant for their acts of copyright
6 infringement in violation of the United States Copyright Act, 17 U.S.C. §§ 101 et
7 seq.

8 2. This Court has subject matter jurisdiction over this copyright
9 infringement action under 28 U.S.C. §§ 1331, 17 U.S.C. § 501(a), and 28 U.S.C. §
10 1338(a).

11 3. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (c)
12 in that the claim arises in this Judicial District, the Defendant transacts business in
13 this Judicial District, and the injury suffered by Velgos took place in this Judicial
14 District. Defendant is subject to the general and specific personal jurisdiction of this
15 Court because of their contacts with the State of California.

16 **PARTIES**

17 4. Plaintiff Paul Velgos, d/b/a Paul Velgos Photography is an individual
18 residing in Indiana.

19 5. Plaintiff is informed and believes and, upon such, alleges that
20 Defendant Responsible Brands is a limited liability company formed under the laws
21 of the state of Texas with its principal place of business in Dallas, Texas, and with a
22 business retail store in Los Angeles and Orange County, California (as discussed
23 herein on the infringed photo), within this District.

24 6. DOES 1 through 10, inclusive, are unknown to Velgos, who therefore
25 sues said Defendants by such fictitious names. Velgos will ask leave of Court to
26 amend this Complaint and insert the true names and capacities of said Defendants
27 when the same have been ascertained. Velgos is informed and believes and, upon
28 such, alleges that each of the Defendants designated herein as a “DOE” are legally

1 responsible in some manner for the events and happenings herein alleged, and that
2 Velgos's damages as alleged herein were proximately caused by such Defendants.

3 **STATEMENT OF FACTS**

4 *Plaintiff's Business and the Photographs Forming the*
5 *Subject Matter of This Dispute*

6 7. As part of its business as a prominent photography agency, Velgos is
7 hired by a multitude of top-tier media outlets. Many thousands of Velgos's images
8 have been purchased for use in movies, television, books, magazines, websites, print
9 wall decor, and much more. Velgos's images have been licensed by some of the
10 world's most well-known businesses including Google, Warner Bros., Marriott,
11 Wyndham Hotels & Resorts, Bureau of Alcohol, Tobacco, Firearms and Explosives,
12 Fifth Third Bank, Chicago Magazine, Los Angeles Magazine, Orange Coast
13 Magazine, Marcus & Millichap, and Jewel Foods. Examples of projects and clients
14 are on Velgos's website. Velgos frequently works directly with businesses and also
15 partners with advertising agencies, art consultants, and design consultants on
16 projects.

17 8. Velgos has created many stylized and valuable photographs of high-
18 quality cityscape, landscape, real estate, and beach photography that emphasizes
19 unique scenes and tones. Among them is a photograph which frames the subject
20 matter of the dispute. This photograph is a photograph of the famed Fashion Island
21 sign at Newport Beach, California (the "Photo"), one of the most exclusive and
22 significant fashion and commercial retail locations in the country. A true and correct
23 copy of the Photo is attached hereto as Exhibit A.

24 9. Velgos has timely obtained the copyright registration for the Photo with
25 the United States Copyright Office. The Photo was registered with the copyright
26 office on April 22, 2012, before Defendant's copyright infringement. A true and
27 correct copy of the Copyright Registration Certificate is attached hereto as Exhibit
28 B.

The Defendants and the Marketplace

10. Responsible Brands's website promotes clothing with its primary focus in conscious athleisure and lifestyle products.

11. On information and belief, the Defendant makes revenue through promoting photos related to fashion and lifestyle products. One promotional material involves the Photo, which intellectual property is not licensed to Responsible Brands or authorized by the owner to be present for advertising.

12. Plaintiff's image and the infringement are reproduced here:

Velgos's Registered Photo:



Fashion Island Sign in Newport Beach California is a photograph by Paul Velgos which was uploaded on November 9th, 2012.

Infringing Use by Responsible Brands:

<https://www.responsiblebrands.net/careers> (Last accessed 12-31-24)

13. Plaintiff is informed and believes that Defendant has violated federal law by infringing Velgos's copyright to at least the Photo identified in Exhibit A. Specifically, Defendant reproduced, distributed, hosted on its servers, modified and created a derivative version, and then publicly displayed the Photo, and/or derivatives thereof without permission, consent, or license for the purposes of trade, specifically to promote Responsible Brands's brand and used Velgos's Photo to advertise such products.

14. Velgos has never sold or licensed the Photo to Defendant for use.

15. Plaintiff is informed and believes that Defendant has driven significant traffic to Responsible Brands. As mentioned above, all this traffic translates into substantial ill-gotten commercial advantage and revenue generation for Defendant as a consequence of their infringing actions.

16. The infringement is also willful given the watermark in the Photo on Defendant's website which was cropped to be removed by Defendant on the visible portion of the public display of the Photo on Defendant's website, and hence look legitimate, but which watermark is present in the full image when downloaded from

1 the Defendant's website (as seen above in the images). Plaintiff's properly licensed
2 images do not contain the watermark in licensed production works.

3 **FIRST CLAIM FOR RELIEF**

4 **(Copyright Infringement, 17 U.S.C. § 501, Against All Defendants)**

5 17. Plaintiff Velgos incorporates herein by reference the allegations in
6 paragraphs 1 through 16 above.

7 18. Velgos is the rightsholder to the copyright of the Photo, which
8 substantially consists of wholly original material that constitutes copyrightable
9 subject matter under the laws of the United States. Velgos has complied in all
10 respects with the Copyright Act and all of the laws of the United States governing
11 copyrights. The Photo has been timely registered with the United States Copyright
12 Office.

13 19. Defendant has directly, vicariously, and/or contributorily infringed, and
14 unless enjoined, will continue to infringe Velgos's copyright by reproducing,
15 displaying, distributing, and utilizing the Photo for purposes of trade without
16 authorization of or payment to Velgos in violation of 17 U.S.C. § 501 et seq.

17 20. Defendant has willfully infringed, and unless enjoined, will continue to
18 infringe Velgos's copyrights by knowingly reproducing, displaying, distributing,
19 and utilizing the Photo for the purposes of trade, specifically to promote the
20 Responsible Brands's brand.

21 21. Velgos is informed and believes that Defendant, despite such
22 knowledge, willfully reproduced and distributed the Photo, without any right to do
23 so.

24 22. Defendant has received substantial benefits in connection with the
25 unauthorized reproduction, distribution, and utilization of the Photo for purposes of
26 trade, including by increasing the traffic to their websites and use of their services.

27 23. Defendant's unauthorized actions were performed without Velgos's
28 permission, license, or consent.

24. Defendant's wrongful acts have caused, and are causing, great injury to Velgos, of which damages cannot be accurately computed, and unless this Court restrains Defendant from further commission of said acts, Velgos will suffer irreparable injury, for all of which it is without an adequate remedy at law. Accordingly, Velgos seeks a declaration that Defendant is infringing Velgos's copyrights and an order under 17 U.S.C. § 502 enjoining Defendant from any further infringement of Velgos's copyrights.

25. As a result of Defendant's wrongful acts alleged herein, Velgos has suffered and is suffering substantial damage to its business in the form of diversion of trade, loss of profits, injury to goodwill and reputation, and the dilution of the value of its rights, all of which are not yet fully ascertainable.

26. Because of the willful nature of Defendant's copyright infringement, Velgos is entitled to an award of statutory damages of up to \$150,000 per copyrighted work.

27. Alternatively, at its discretion, Velgos is entitled to actual damages in an amount to be proven at trial for the infringement of the Photo.

28. Velgos is also entitled to its attorney's fees and costs in prosecuting this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Velgos requests judgment against Defendant as follows:

A. The Defendant, their officers, agents, servants, employees, representatives, and attorneys, and all person in active concert or participation with them, be permanently enjoined from designing, copying, reproducing, displaying, promoting, advertising, distributing, or selling, or any other form of dealing or transaction in, any and all advertising and promotional materials, print media, signs, Internet websites, or any other media, either now known or hereafter devised, bearing any design or mark which infringe, contributorily infringe, or vicariously

1 infringe upon Velgos's rights in the Photo at issue.

2 B. Defendant be held liable to Velgos in statutory damages for copyright
3 infringement in accordance with 17 U.S.C. §§ 504 (a)(2) and (c) and for costs,
4 interest, and reasonable attorney's fees pursuant to 17 U.S.C. § 505.

5 C. An accounting be made for all profits, income, receipts, or other benefit
6 derived by Defendant from the reproduction, copying, display, promotion,
7 distribution, or sale of products and services, or other media, either now known or
8 hereafter devised that improperly or unlawfully infringes upon Velgos's copyright
9 pursuant to 17 U.S.C. § 504 (a)(1) and (b).

10 D. Requiring Defendant to account for and pay over to Velgos all profits
11 derived by Defendant from their acts of copyright infringement and to reimburse
12 Velgos for all damages suffered by Velgos by reasons of Defendant's acts, pursuant
13 to 17 U.S.C. §§ 504 (a)(1) and (b).

14 E. Actual damages for copyright infringement pursuant to 17 U.S.C. §§
15 504 (a)(1) and (b).

16 F. That Velgos be awarded any such other and further relief as the Court
17 may deem just and appropriate.

18
19 Dated: January 7, 2025

ONE LLP

20
21 By: /s/ Peter R. Afrasiabi

22 Peter R. Afrasiabi

23 *Attorney for Plaintiff,*
24 Paul Velgos, d/b/a Paul Velgos
25 Photography
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DEMAND FOR JURY TRIAL

Plaintiff Paul Velgos, d/b/a Paul Velgos Photography, hereby demands trial by jury of all issues so triable under the law.

Dated: January 7, 2025

By: /s/ Peter R. Afrasiabi
Peter R. Afrasiabi

Attorney for Plaintiff,
Paul Velgos, d/b/a Paul Velgos
Photography